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In re Application of
NELSON, Lennart et al.
Application No.: 09/762,225
PCT No.: PCT/SE99/01276
Int. Filing Date: 15 July 1999
Priority Date: 31 July 1998
Attorney's Docket No.: 31185
For: A DEVICE FOR AND A METHOD OF
DETECTING A DISEASE OF THE
UDDER OF AN ANIMAL

**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

This decision is in response to applicants' "Request to Withdraw Notice of Abandonment" filed via facsimile on 06 June 2002. No fee is required.

BACKGROUND

On 06 March 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) & (b) must be provided. A one-month time period for response was set.

On 05 April 2001, applicants purportedly filed documents in the above-captioned application which included an executed declaration.

On 23 May 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 within the time period set.

On 06 June 2002, applicants filed the instant petition via facsimile which was accompanied by, *inter alia*, copies of the documents purportedly filed 05 April 2001; a stamped postcard receipt for the 05 April 2001 documents; and a copy of an executed declaration.

DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail.

The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped filing receipt for documents submitted 05 April 2001. The filing receipt records that a "Combined Declaration/POA" were among the documents received in the USPTO. The filing receipt is stamped "OIPE APR 05 2001" across its face. The name of the applicant, attorney docket number, application number, and title are all listed on the postcard receipt. Applicants included a copy of the executed declaration signed by both of the inventors in the above-captioned application with the papers filed via facsimile on 06 June 2002.

Accordingly, applicants have provided *prima facie* evidence that the declaration and other documents listed above were received by the USPTO on 05 April 2001.

DECISION

For the reasons above, applicants' petition to withdraw the holding of abandonment is GRANTED.

The Form PCT/DO/EO/909 mailed 23 May 2002 is hereby VACATED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 July 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 April 2001.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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